

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**United States of America,**

**Crim. No. 10-229 (JRT/JJG)**

**Plaintiff,**

**v.**

**REPORT AND RECOMMENDATION**

**Orville Dean White, Jr.,**

**Defendant.**

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JEANNE J. GRAHAM, United States Magistrate Judge

The above-captioned case came before the undersigned for a pretrial motion hearing on October 4, 2010. Clifford B. Wardlaw appeared on behalf of the United States of America. Reynaldo A. Aligada, Jr. appeared on behalf of Defendant Orville Dean White, Jr. This case was referred to this Court for resolution of pretrial matters pursuant to 28 U.S.C. § 636 and District of Minnesota Local Rule 72.1.

Presently before the Court are Defendant's Motion to Suppress Fruits of Unlawful Arrest and Search and Seizure (Doc. No. 18) and Motion to Suppress Statements (Doc. No. 19). The United States and Defendant agreed at the hearing that both motions were moot. Accordingly, the Court recommends that the motions be denied as moot.

Based on the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. Defendant's Motion to Suppress Fruits of Unlawful Arrest and Search and Seizure (Doc. No. 18) be **DENIED AS MOOT**; and

2. Defendant's Motion to Suppress Statements (Doc. No. 19) be **DENIED AS MOOT.**

Dated: October 6, 2010

*s/ Jeanne J. Graham*

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JEANNE J. GRAHAM  
United States Magistrate Judge

### **NOTICE**

Pursuant to District of Minnesota Local Rule 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **October 21, 2010**. A party may respond to the objections within ten days after service thereof. Any objections or responses shall not exceed 3,500 words. The District Judge will make a de novo determination of those portions of the Report and Recommendation to which objection is made. The party making the objections must timely order and file the transcript of the hearing unless the parties stipulate that the District Judge is not required to review a transcript or if the District Judge directs otherwise.